GOVERNMENT OF MYSORE

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute: Industrial Dispute between the Workmen and the Management of Mysore Commercial Union, Bangalore-22.

Award of the Additional Industrial Tribunal, Bangalore published.

Read the following papers:

(1) Letter No. AIT/939/72-73, dated 18th October 1972 from Sri K. N. Patil, Presiding Officer, Additional Industrial Tribunal, Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated 18th October, 1972.

PRESENT:

Shri K. N. Patil, LL.B., *Presiding Officer.*

A.I.D. No. 3 of 1971

I Party—

Workmen represented by the Secretary/Presiding, Mysore Commercial Union, Employees' Association, Bangalore-22.

II Party—

The Management of Mysore Commercial Union, Bangalore-22.

APPEARANCES

For I Party—

Sri M. C. Narasimhan, Advocate, Bangalore.

For II Party—

Sri V. L. Narasimhamurthy, Advocate, Bangalore.

AWARD

The Government of Mysore being of opinion that an Industrial dispute existed between the workmen and the management of Mysore Commercial Union, Bangalore-22, on matters of bonus for 1969-70, lockout declared from 10th December 1970 and strike by workmen from 15th January 1971, referred the said dispute for adjudication to this Tribunal under Section 10(1)(d) of the Industrial Disputes Act; under their No. FCL 11 LLD 71, dated 20th February 1971. The points of dispute, referred for adjudication, are—

1. (*a*) Are the workmen of the Mysore Commercial Union, Bangalore-22 justified in demanding 20 per cent bonus for the year ending 31st March, 1970?

   (*b*) If not to what other quantum of bonus are the workmen entitled?

2. (*a*) Are the management of Mysore Commercial Union, Bangalore-22, justified in declaring lockout with effect from 10th December 1970?

   (*b*) If not to what relief or reliefs are the workmen of the said Factory, entitled?

3. (*a*) Are the workmen employed by the Mysore Commercial Union, Bangalore-22, justified in going on strike from 15th January 1971?

   (*b*) If so to what relief are the said workmen entitled?"

2. The 1st Party consists of the workmen and the 2nd Party consists of the management of Mysore Commercial Union, Bangalore 22. The 1st Party has filed its claim statement on 15th June 1971 and has put forth these demands. The workmen should be paid profit sharing bonus at 20 per cent of their annual wages for 1969-70. The management was not justified in declaring lockout of the factory from 10th December 1970 to 15th January 1971. The 2nd Party began to victimise the 1st Party workmen by dismissing them without any valid reasons. Hence the 1st Party workmen had to go on strike from 15th January 1971. The strike was justified while the lockout was unjustified. The 1st Party workmen may be granted bonus at 20 per cent of their annual wages for 1969-70.

3. The 2nd Party has filed its Counter on 27th July 1971 and has raised these objections. The 1st Party workmen are entitled to bonus at 4 per cent of their annual wages for 1969-70 and they are paid accordingly. The lockout of the factory from 10th December 1970 to 15th January 1971 is justified. The 1st Party workmen had absolutely no reason to go on strike from 15th January 1971. The strike was unjustified.

4. On 27th September 1971 the 1st Party filed its reply statement reiterating the contensions put forth in the claim statement and denying the objections raised in the counter of the 2nd party.

5. On 21st September 1972 both the parties have arrived at a settlement. The 1st Party as per agreement has withdrawn its demands, subject to the condition that both parties will hold further discussions regarding bonus for 1969-70. They have filed the settlement before the Tribunal. It was read and recorded. It is found to be reasonable and voluntary. Award as per settlement is passed. The settlement shall form part and parcel of the award. No order as to costs.

K. N. PATIL,
Presiding Officer,
Additional Industrial Tribunal, Bangalore.
[illegible].

FORM "H"

(Under Rule 59)

MEMORANDUM OF SETTLEMENT

Representing Employer—

(1) Mr. S. K. Parikh, Production Executive.

(2) Mr. A. V. Subba Rao, Works Manager.

(3) Mr. B. R. Krishna Murthy, Labour Officer.

Representing Employees—

(1) Mr. U. S. Venkataraman, General Secretary, M.C.U.E.A.

(2) Mr. R. G. Rao, Vice-President, M.C.U.E.A.

(3) Mr. R. Shivanna, Jt. Secretary, M.C.U.E.A.

The deed of settlement arrived at between Mysore Commercial Union Ltd., (hereinafter referred to as Management) and the Workmen of the Mysore Commercial Union Ltd., represented by Mysore Commercial Union Employees' Association (hereinafter referred to as the Union or Workmen.

Whereas, as a result of the incidents on 10th December, 1970 which happened in the premises of the factory, the Management declared a lock out on 10th December 1970 and the same was lifted on 15th January 1971 and inspite of that large number of workers remained on strike. In the meanwhile the Government referred the following points of dispute for adjudication on 20th February, 1971.

"1. (a) Are the workmen of the Mysore Commercial Union, Bangalore-22, justified in

demanding 20 per cent bonus for the year ending 31st March, 1970 ?

(*b*) If not to what other quantum of bonus are the workmen entitled ?

2. (*a*) Are the Management of Mysore Commercial Union Ltd., Bangalore-22, justified in declaring lockout with effect from 10th December 1970 ?

(*b*) If not to what relief or reliefs are the workmen of the said Factory entitled ?

3. (*a*) Are the workmen employed by the Mysore Commercial Union Ltd., Bangalore-22, justified in going on strike from 15th January 1971 ?

(*b*) If so, to what relief are the said workmen entitled ? "

In spite of all the reference the strike continued. Several efforts were made to resolve the dispute with a view to recommence the working of the factory. As a result of these efforts the workers and Management came to an understanding with effect from 1st March 1971 under the terms of the settlement dated 27th February 1971 which are as follows :

(1) It is agreed that the Management will suspend pending enquiry 47 workmen. Should there be a delay beyond one month (from the date of suspension) in finalising the enquiries for reasons other than delays caused by the concerned workmen, a subsistence allowance will be paid according to Model Standing Orders. This is without prejudice to the right of the Management to institute disciplinary proceedings against other workmen, if any, without of course keeping the workmen under suspension.

(2) It is agreed (subject to Cl. 1 above) that the statusquo as on 9th December 1970 with regard to employment of workmen shall be maintained.

(3) It is agreed that the Association has no other demands except those referred to adjudication as at present.

(4) In view of the above understanding the Association assures that the workmen in future will remain peaceful and will resort to violence, riotous behavious etc., and will adopt only legal and constitutional measures for redressal of their grievances, if any.

(5) It is also agreed that the workmen and the management will co-operate with each other to restore normalcy immediately.

Thereafter parties participated before the Tribunal in the proceedings and the Management took disciplinary action against 47 workers for misconduct committed by them. After a proper domestic enquiry 36 workers were found guilty of misconduct and they were ordered to be dismissed. Orders of dismissal were passed against them. Since a dispute was pending before the Additional Industrial Tribunal the Management filed applications under Section 33(2)(b) of the I.D. Act seeking approval of the action taken in Nos. 49 to 84 of 1971. Of the 36, one worker resigned and a memo withdrawing the application No. 68/71 was filed and ordered. The remaining 35 applications are pending before the Tribunal. Pleadings have been filed and the matter was set down for argument. At that stage some efforts for arriving at a settlement on that question also was made. Thereafter, the Union resorted to a relay hunger strike from 19th July 1972 in front of the factory premises thereby causing disturbance and obstruction. On 14th August, 1972, the hunger strike as called off. After several efforts of the parties, finally, both met in the presence of the Hon'ble Minister for Labour and arrived at a settlement. The terms of which are set out below :

(1) The Management agrees to re-employ 10 (ten) workmen of their choice out of the 35 dismissed workers. The workers agree not to oppose the grant of approval for the remaining 25 dismissed workers. The 10 workmen will be re-employed or their last drawn wages with continuity of service, but without back wages. The Management agree to give normal retiral benefits according to the service rules in force of the Company for the 25 workmen.

(2) It is hereby agreed that the workmen and the Union will withdraw all disputes now pending before the Additional Industrial Tribunal for adjudication and they also agree not to oppose the applications for approval filed by the Management.

(3) It is further agreed that the Management and the Union will hold further discussions regarding bonus for the year 1969-70 though the dispute is withdrawn from the Additional Industrial Tribunal.

(4) The Union also further agrees not to raise any dispute regarding any of the matters covered by this settlement.

(5) In view of the above understanding the Union reassures that they will remain peaceful and will not resort to violence, riotous behaviour etc., and will adopt only legal and constitutional measures for redressal of their grievences, if any.

Both parties pray that a consent award in terms of the settlement be passed.

Signed on this day of Twenty First September, 1972.

Signatures of :

Representing Employer—

(Sd.) S. K. Pasikh,

(Sd.) A. V. Subba Rao,

(Sd.) B. R. Krishna Murthy.

Representing Employees—

(Sd.) U. S. Venkataraman.
(Sd.) R. G. Rao,
(Sd.) R. Sivanna.

Witnesses

1. Sd. Mir Masood Ali Khan,
2. Joint Labour Commissioner in Mysore, Bangalore.

K. N. PATIL,
Presiding Officer,
Additional Industrial Tribunal, Bangalore.

ORDER

BANGALORE, DATED 3RD NOVEMBER 1972.

S.O. 208.—WHEREAS by State Government Order No. FCL 11 LLD 71, dated 20th February 1971 the Industrial Dispute between the workmen and the management of Mysore Commercial Union, Bangalore-22 was referred to the Additional Industrial Tribunal, Bangalore for adjudication.

AND, WHEREAS the Additional Industrial Tribunal, Bangalore has submitted to the State Government its award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above, in the *Mysore Gazette.*

[No. FCL 209 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,
Under Secretary to Government,
Food, Civil Supplies and Labour Department.